IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4881 OF 2003

1. Atur Apartments Co-operative
Housing Society Ltd and ors .. Petitioners

vs

1. Deputy Registrar,
Co-operative Societies and ors. .. Respondents

Mr. P.S.Dani, for the petitioners.

Mr D.A.Patil, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 16th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The only grievance made in this petition is that respondent no.3-Divisional Joint Registrar has not passed orders in the application for stay of the order dated 15.7.2003 passed by respondent no.1 under section 78 of the Maharashtra Co-operative Societies Act by which the members of the Managing Committee were discharged from their post and the society was directed to elect new committee within three months. The said application seeking stay was filed along with the appeal pending before respondent no.3. Since no order was passed in the application for stay the petitioners filed

the present writ petition. This Court, by order dated 6.8.2003, directed the parties to maintain status-quo as on the date of order. According to Mr Dani, learned counsel for the petitioners, in view of the order of status-quo dated 6.8.2003, the order dated 15.7.2003 was not enforced against the society. It appears that the order under section 78 was passed mainly on the ground that the society did not accept a membership of one Mahesh Gopwani, mentally retarded son of the deceased-member of the society. The petitioners had filed another a writ petition bearing No.3105 of 2004 challenging the order passed by the Assistant Registrar directing the society to admit Mahesh Gopwani as member. The said writ petition came to be disposed of by this Court by order dated 29.6.2004. Keeping that in view and considering the overall facts and circumstances of the case, instead of examining the merits of the case in the present writ petition, the appropriate course would be to direct respondent no.3 to dispose of the appeal within a period of eight weeks from the date of receipt of this order and in the meanwhile grant interim stay to the order dated 15.7.2003 passed by respondent no.1. Order accordingly.

3. The petitioners to communicate this order to respondent no.3 within two weeks from today. The writ

petition is disposed of. Till the disposal of the appeal, it is open for the society to operate the Bank account to meet day-to-day expenses only.

. An authenticated copy of this order may be made available to the parties.

(D.B.BOSSES, J.)